

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

March 7, 2011 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 3:00 pm.

Commissioner Barber provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the minutes of the February 16, 2011 and February 21, 2011 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Sides moved to add a discussion regarding the Webb Road Flea Market and a discussion regarding the baseball stadium. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Mitchell added the Webb Road Flea Market discussion as agenda item #2a and the baseball stadium discussion as agenda item #13a.

Commissioner Barber moved to add a Closed Session for attorney-client privileged communication. The motion was seconded by Commissioner Sides and carried unanimously.

Chairman Mitchell added the Closed Session as agenda item #15a.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Sides moved to pull agenda items #8 (Consider Approval of Declaration of Official Intent to Reimburse Expenditures for Rowan Cabarrus Community College Bond) and #9 (Consider Adoption of New Fee Schedule for Building Code Enforcement Permits and Services). Commissioner Sides said additional information would be provided for these topics at a later date. The motion was seconded by Commissioner Ford.

In response to a query from Chairman Mitchell, Finance Director Leslie Heidrick said the Local Government Commission had not provided a recommendation for agenda item #8.

Upon being put to a vote, the motion on the floor passed unanimously.

Commissioner Coltrain inquired as to what additional information was needed for agenda item #9. Commissioner Sides responded that he and Commissioner Ford had attended a meeting on Friday afternoon and had talked with Dana Hart, Building Code Enforcement Director. Commissioner Sides said he and Commissioner Ford had requested feedback for the new fees from the Homebuilders Association and the Realtors Association prior to the Commissioners voting on the proposed fee schedule. Commissioner Sides said the fee schedule was information for the new budget and it was not critical for a vote tonight.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Sides seconded and the vote to approve the agenda, as amended, passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Sides said there were two (2) leases to be discussed for item A on the Consent Agenda. Commissioner Sides moved to pull item A from the Consent Agenda and to place the items on the regular agenda for discussion as two (2) separate items.

Chairman Mitchell placed the lease for Skydive Rowan as agenda item #13b and the lease for Amos Aviation as agenda item #13c.

Commissioner Sides moved approval of the Consent Agenda. The motion was seconded by Commissioner Ford and passed unanimously.

The Consent Agenda consisted of the following:

- A. Specialized Fixed Base Operation and Skydiving Center Lease and Operating Agreement (moved to agenda items #13b and #13c)
- B. Resolution Opposing The Loss of County School Construction Dollars and The Shift of State School Funding Responsibilities to Counties

WHEREAS, counties in North Carolina are statutorily responsible for providing public school facilities in North Carolina and contribute significant county funds for classroom expenses; and

WHEREAS, counties spend more than \$1.5 billion annually for public school capital needs and \$2.5 billion for public school operating expenses; and

WHEREAS, counties rely on local sales taxes, property taxes, the county share of lottery funds and the county share of the corporate income tax to help fund public school capital needs and have issued public debt based on these revenue streams; and

WHEREAS, counties have lost more than a quarter billion dollars in lottery and corporate income tax school construction funds over the current biennium; and

WHEREAS, the Governor's budget proposal permanently eliminates the county share of the corporate income tax and reduces the county lottery share by 75 percent, costing counties more than \$200 million per year in revenues dedicated to public school construction needs; and

WHEREAS, the budget proposal shifts responsibility to pay for replacement school buses (\$56.9 million per year) to counties; and

WHEREAS, the budget proposal also takes the unprecedented step of forcing counties to assume the workers' compensation costs for state-paid public school employees (\$34.6 million per year) and community college employees (\$1.7 million per year) and to fund school tort claims (\$4.6 million per year); and

WHEREAS, the budget proposal reflects an overall cost shift to counties of \$345 million in 2011-12 alone, requiring counties to raise property taxes to manage a loss of this magnitude;

NOW, THEREFORE, BE IT RESOLVED that the Rowan County Board of Commissioners adamantly opposes the unfunded mandates and the loss of county revenues included in the Governor's budget proposal; and

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly to let them know of our opposition to these unprecedented changes in county responsibility and the use of county revenues to balance the state budget.

C. Resolution Requesting Exemption for Rowan County From North Carolina General Statute § 143B-181.1

WHEREAS, grant monies are a source of funding for crucial services provided by counties; and

WHEREAS, North Carolina General Statute §143B-181.1 requires counties to utilize the Division of Aging for Older Americans Act funding; and

WHEREAS, on June 30, 2010, Rowan County withdrew its membership from the Centralina Council of Government and is obligated by General Statute §143B-181.1 to contract with the Area Agency on Aging as part of Centralina Council of Government for Home and Community Care Block Grant Funds.

NOW, THEREFORE BE IT RESOLVED, that the Rowan County Board of Commissioners

does hereby request that the North Carolina General Assembly exempt Rowan County from North Carolina General Statute §143B-181.1 and remove the requirement for Rowan County to contract with the Area Agency on Aging.

D. Resolution Opposing Transfer of Secondary Road Program to Counties

WHEREAS, Rowan County opposes: 1) the transfer of the Secondary Road Program funding to the Primary Road Program or any other program that would reduce funding for secondary road construction, improvement and maintenance; 2) any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to counties; and 3) any efforts by the General Assembly to appropriate local revenues, whether property tax, sales tax or any other revenue for State transportation programs or any other State programs; and

WHEREAS, legislation has been introduced in the past that would transfer responsibility of maintenance of secondary roads from the State to the counties and there is a likelihood similar legislation will be introduced once again; and

WHEREAS, without the continuation of existing State revenue streams to pay for road upkeep and construction, Rowan County would be forced to raise property taxes by at least 7 cents in order to keep up the current level of funding needed to maintain existing secondary roads; and

WHEREAS, Rowan County does not have the equipment or the capital to take on this massive additional responsibility.

NOW, THEREFORE, BE IT RESOLVED that the Rowan County Board of Commissioners:

1. Strongly opposes any legislation that would transfer responsibility for and maintenance of secondary roads from the State to counties.
2. Directs that a copy of this resolution be transmitted to the local delegation to solicit their support in defeating any proposed legislation of this nature.
3. Directs that a true copy of the resolution be sent to the North Carolina Association of County Commissioners and all other North Carolina Counties.

- E. Award Service Sidearm to Retiring Master Deputy Kevin McDaniel
- F. Required Budget Request Sign-Off Form for Rowan Cabarrus Community College

2. PUBLIC COMMENT PERIOD

Chairman Mitchell opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- David Ingram discussed agenda item #3 (Update Regarding Variance Request From Blandy Hardwoods). Mr. Ingram said when the guidelines of the Rowan County Zoning Ordinance were properly followed, the property rights of all were preserved. Mr. Ingram asked the Board to uphold the zoning ordinance requirements for buffering.
- Ray Paradowski referred to agenda item #8, which had been deleted from the agenda. Mr. Paradowski expressed hope that Rowan Cabarrus

Community College would be able to move forward with the projects approved through the bond referendum.

- Chris Stevens, General Manager of the Webb Road Flea Market (WRFM) said the facility had been in operation for over 25 years in Rowan County. Mr. Stevens said when the facility burned in September 2010, there were over 300 vendors that were devastated by the fire. Mr. Stevens discussed the energy code requirements and requested an exemption from the code for the facility.

With no one else wishing to address the Board, Chairman Mitchell closed the Public Comment Period.

ADDITION

2a. Webb Road Flea Market

Commissioner Sides said in the past week, he and Commissioner Ford had met with builders, contractors, and building inspectors, etc. in an effort to resolve the problem with the Webb Road Flea Market (WRFM).

Commissioner Sides explained that the energy code currently required the WRFM to install heat in every building, which would be very expensive. Commissioner Sides said the option would be to put up fewer buildings and he stated that option would put less people back to work. Commissioner Sides said WRFM had indicated they would not turn the heat on, even if they were required to install the heating units. Commissioner Sides said it was important to try to help WRFM due to its \$3 million investment and putting over 300 people back to work. Commissioner Sides said while the County could not overrule the Department of Insurance on the local level; however, the County could appeal to its legislative delegation to introduce a local bill that would exempt WRFM from the specific requirement to put heat in the facility.

Commissioner Sides moved to ask the local delegation to put a local bill in place that would exempt WRFM from the requirement to heat and insulate the buildings to the level that is currently required. The motion was seconded by Commissioner Ford.

Commissioner Coltrain inquired as to whether the shape or configuration in the design of the building could be changed to take away the requirement.

Commissioner Sides said there were several alternatives:

1. If the owner said the WRFM would be seasonal, the requirement could be eliminated
2. If 50% of the building was not enclosed, the WRFM would not be required to have heat
3. Ask the ruling board to change the designation of the building
4. Ask the ruling board to clarify in their documents that flea markets would be exempt from the requirement.

Commissioner Sides said the Board needed to take action since the County had only until March 15, 2011 to introduce a local bill. Commissioner Sides said he had talked to all three (3) legislators and they had indicated they would be willing to introduce the local bill. Commissioner Sides said the legislators also felt if the request was approved with a 5-0 vote by the Commissioners, it would pass.

Chairman Mitchell reminded the Board that if the request was not submitted to the local delegation after the current meeting, there was no option for a local bill.

Commissioner Sides said a letter could be sent to the legislators stating the vote was 5-0 and that specific information should be included regarding the WRFM and the code requirements.

Commissioner Sides said the Code Enforcement Officer had been agreeable and had worked diligently to try and find an exemption for WRFM.

Upon being put to a vote, the motion on the floor passed unanimously.

3. UPDATE REGARDING VARIANCE REQUEST FROM BLANDY HARDWOODS

Senior Planner Shane Stewart said the Zoning Board of Adjustment (ZBA) met on February 10, 2011 to consider a variance request from Andy Frick for his property located at 735 Gin Road in Gold Hill. Mr. Stewart reported that instead of considering the application as a variance, the ZBA accepted the application as an appeal from the administrative officer concluding the appropriate classification for Blandy Hardwoods should be "Lumber and Wood Products, except sawmills" as opposed to "Sawmills and Planning Mills, General". Mr. Stewart said the decision was made unanimously and "remanded the Board of Commissioners for further hearing in light of the quasi-judicial determinate, by this board, as to classification of operations."

Mr. Stewart said although both uses are within the same Standard Industrial Classification (SIC) Code major group, 24, Sawmill and Planning Mills, General (SIC 2421) require a type B buffer (80') rather than a type A (20') for the remaining uses listed under group 24 per section 21-216 of the Zoning Ordinance. A subsequent motion that the "staging" of lumber is not an encroachment failed 3-2 (lack of 80%).

Mr. Stewart said during both the 2005 and 2009 quasi-judicial decisions rendered by the Board of Commissioners, the application was presented and categorized by Staff based on the applicant's proposed site improvements of dry kilns and a planning shed. Since kiln drying and planning mills are listed under the Sawmill and Planning Mills, General category SIC 2421, this seemed a reasonable and appropriate designation. Although Blandy Hardwoods does not meet the literal definition of a "sawmill" it is evident the introduction of kiln drying and planning at this site group the operations with sawmills, thus requiring a type B buffer.

Mr. Stewart said the Board of Commissioners may wish to consider the following options to address the required buffer at Blandy Hardwoods:

1. Re-open the quasi-judicial hearing for CUP 10-04 to consider the type A buffer based on the ZBA interpretation;
2. Indicate the Board of Commissioners condition of “no encroachment allowed within the 80’ buffer” includes all lumber product; or
3. Direct Planning Staff to work with the Planning Board to develop a text amendment to the Zoning Ordinance that would better define the buffer definition and review the type of buffer required for similar uses as a result of the ZBA decision. A subsequent hearing may be necessary for CUP 10-04 depending on the revised text.

Commissioner Sides said the type A buffer was 20’ and type B was 80’ and he asked if there was a requirement for in between, such as for a 50’ or 60’ buffer. Mr. Stewart said no but that such a requirement could possibly be developed.

Commissioner Coltrain discussed lumber operations and said sawmills created more dust than any other type of lumber processing. Commissioner Coltrain asked if it would be possible to revisit the issue and identify a set of standards for sawmills and a set of standards for other wood processing. Mr. Stewart said yes and that the Board should consult with the County Attorney as to how an ordinance amendment could potentially affect the pending application.

Commissioner Sides said he would not vote to go down to a type A buffer. Commissioner Sides said the owner of the property understood when he presented the original request that an 80’ buffer was required and the owner signed and accepted those requirements. Commissioner Sides said he might consider a 60’ buffer with additional trees, etc. to protect the property owners. Commissioner Sides felt the Board should leave the approval as is, or send the matter to Planning Staff and the Planning Board and allow them to develop alternatives.

County Attorney Jay Dees said the only matter pending was the ZBA variance request. Mr. Dees referred to the time period between the activity at Blandy Hardwoods now and how any forthcoming text amendment would apply to the property and whether the applicant would have to reapply for an amended conditional use permit under the new ordinance to modify the buffer. Mr. Dees said there was still the intervening time period for the fact that green wood was being stacked and business operations were occurring in the 80’ buffer. Mr. Dees said it would help for the Board to give guidance on item #2. Mr. Dees suggested adding an item #4, which was to instruct the ZBA to either approve or deny the variance request.

Mr. Dees asked Mr. Stewart if the ordinance had provisions for dealing with no decision within a certain number of days by the ZBA and whether it would be

considered a denial or approval of a variance. Mr. Stewart said he was uncertain but believed the variance would not pass.

Mr. Dees did not feel it was appropriate that the issue was sent back to the Commissioners for an interpretation as to the type of buffer. Mr. Dees said the process allowed the applicant the right of appeal when the conditional use permit was issued. Mr. Dees said the right had been waived and he did not feel the Commissioners could recreate the right procedurally at this point. Mr. Dees felt it would be appropriate for the Commissioners to look at text amendments since there were gaps in identifying the types of uses and also the buffer definition was deficient in some regards. Mr. Dees said he did not have a problem with the Commissioners asking Staff to review possible text amendments; however, he felt the Commissioners should clarify the intent in 2010 with the 80' buffer as it related to the stacking of green lumber. Mr. Dees said the ZBA had effectively taken no action.

Commissioner Sides moved to request that the ZBA either grant or deny the application. The motion was seconded by Commissioner Barber and carried unanimously.

Commissioner Sides moved to request that Staff notify the owner that the 80' buffer does exist, it is part of the existing ordinance and the Commissioners want that maintained until another decision is made by the Board at a future date. The motion was seconded by Commissioner Barber and passed 4-1 with Commissioner Coltrain dissenting.

Commissioner Sides moved to direct Staff and the Planning Board to look at the possibility of a text amendment to the Zoning Ordinance that would better define buffers for this type of operation and the buffer should not be less than 50' and include some additional screening. The motion was seconded by Commissioner Ford.

Commissioner Coltrain said he could not support the motion if the minimum distance was specified. Commissioner Coltrain felt if the Board set the 50' minimum distance, the Board was already making the decision.

Commissioner Sides said that part of the motion was only a recommendation to Staff and not set in stone.

Upon being put to a vote, the motion passed unanimously.

4. CONSIDER APPROVAL OF TEMP 01-11

Senior Planner Shane Stewart provided a power point presentation and reviewed the background regarding TEMP 01-11. Mr. Stewart said a petroleum release was discovered in the spring of 2002 at the former Craven's Exxon station located at 7565 Bringle Ferry Road after removal of underground storage tanks.

Mr. Stewart said two years later, the North Carolina Department of Environment and Natural Resources (DENR) requested a site assessment, which revealed both soil and groundwater contamination levels were above DENR residential standards and posed a health hazard to two nearby residential wells.

Mr. Stewart said the Board of Commissioners approved the initial temporary use permit in 2006 for a remediation trailer housing an air sparge / soil vapor extraction system approved by DENR for the contamination cleanup. Section 21-281 of the Zoning Ordinance specifies temporary uses may be approved for up to two years and extended thereafter if granted by the Board. Mr. Stewart said the Board had extended the permit in 2008-09 for an additional two years subject to three conditions:

1. Extend the exhaust pipe five (5) additional feet and remove the “tee”
2. Insulate the inside of the fence to reduce sound
3. Operating hours are from 7:00 pm to 11:00 am only

Mr. Stewart said HS&E, Inc. was requesting an extension to their temporary use permit for continued remediation as part of DENR's correction action plan. Mr. Stewart explained the request does not require a public hearing; however, the Board might wish to entertain public comment since Planning Staff sent mailed notices of the request to the adjoining property owners.

Mr. Stewart said Staff recommended approval of the request.

After a brief discussion, Commissioner Sides moved to extend the approval of TEMP 01-11 for five (5) years instead of two (2). The motion was seconded by Commissioner Barber and passed unanimously.

5. CONSIDER APPROVAL OF RESOLUTION TO PARTICIPATE IN THE HOME CONSORTIUM

Planning & Development Director Ed Muire said the US Department of Housing and Urban Development mandates that units of local government participating in consortia renew their contract every three (3) years. As part of the process, a resolution supporting Rowan County's involvement in the Cabarrus/Iredell/Rowan HOME Consortium must be read and approved by the Board.

The resolution was presented as follows:

WHEREAS, Rowan County has determined that the health and welfare of its jurisdiction may benefit from increasing the availability of safe, affordable and standard housing; and

WHEREAS, Rowan County has determined that providing safe, affordable and standard housing will benefit work force productivity and area economic development; and

WHEREAS, a cooperative approach to providing housing in Cabarrus, Iredell, and Rowan counties will avoid duplication of effort and promote more effective delivery of housing services; and

WHEREAS, a consortium of local governments may be entitled to receive funds from the US Department of Housing and Urban Development, that they would be unqualified to receive individually; and

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act makes provisions whereby units of general local governments may enter into cooperation agreements and form consortia to undertake or assist in undertaking affordable housing pursuant to the HOME Investment Partnership Program; and

WHEREAS, Rowan County, North Carolina, along with the other units of general local governments, with the City of Concord as lead entity, desire to form the Cabarrus/Iredell/Rowan Housing Consortium to undertake or assist in undertaking affordable housing under Title II of the Cranston-Gonzalez National Affordable Housing Act; and

WHEREAS, Article 20 of Chapter 160A of the North Carolina General Statutes authorize units of local government to enter into contracts or agreements with each other in order to execute any undertaking; and

NOW, THEREFORE, be it resolved by the County of Rowan that:

1. Rowan County hereby supports the continuation of the Cabarrus/Iredell/Rowan Housing Consortium. The Chairman of the Board of Commissioners is authorized to execute an agreement with the other participating units of general local governments in Cabarrus/Iredell/Rowan counties to sustain this consortium; and
2. The Chairman is further authorized to sign all contracts, grant agreements, including certifications, approved by the County Attorney, with the Department of Housing and Urban Development, the State of North Carolina or other agencies as may be required to carry out activities of the Consortium.

Commissioner Coltrain moved, Commissioner Sides seconded and the vote to approve the Resolution passed unanimously.

6. SECOND READING FOR FPO 01-10

Planning and Development Director Ed Muire reported that Section 2-227 of the Rowan County Code required that an ordinance which is adopted, repealed or amended by a majority, but not by all members of the Board, shall be considered at the next regular meeting of the Board. Consequently, the 3-2 vote on the Planning Board version of the Farmland Preservation Ordinance requires a second vote on the proposed text prior to the amendments becoming effective.

Commissioner Ford moved approval of the Planning Board version of the Farmland Preservation Ordinance. The motion was seconded by Commissioner Sides.

Commissioner Coltrain said the text amendments would be creating more bureaucracy and he could not support the changes.

Upon being put to a vote, the motion on the floor passed 3-2 with Commissioners Coltrain and Barber dissenting.

7. CONSIDER BAN FOR USE OF TOBACCO PRODUCTS ON THE HEALTH DEPARTMENT AND DEPARTMENT OF SOCIAL SERVICES PROPERTY

Health Department Director Leonard Wood said prior to the Health Department's Accreditation in 2007, the Board of Health (BOH) and the Board of Commissioners (BOC) adopted a policy that allowed the Health Department (HD) to ban smoking within 50 feet of the department's main entrance in April 2006. The Board of Social Services and Board of Commissioners also adopted a similar policy for the Department of Social Services (DSS) facilities on October 1, 2006.

Mr. Wood said the policies had worked well since adoption, however, the public continued to ignore the posted signs and smoke near the main entrance. In addition, since the new DSS facility had been completed and occupied, the number of smokers congregating in front of the buildings had increased.

Mr. Wood said he and the DSS Director, Sandra Wilkes, had discussed the issue and agreed to request that the BOH, the DSS Board and the Board of Commissioners consider adoption of a stronger and more comprehensive "Tobacco Free" policy for the outside areas surrounding the HD and DSS facilities.

Chairman Mitchell referred to the second paragraph and asked what the repercussions would be for those who continued to violate the policy. Mr. Wood said he felt the HD and DSS should be leaders in helping to abolish the use of tobacco products. Mr. Wood said a security guard had been hired to help ensure people smoke in designated areas.

Commissioner Sides praised the security guard and said he was impressed by the way the security guard handled the public. Commissioner Sides felt the security guard was underpaid and the smoking issue was only one of many issues the security guard handled.

Commissioner Coltrain supported the efforts of the HD and DSS.

Commissioner Ford said the policy would also help the county employees at DSS and the HD that smoke.

Mr. Wood said the County offers the smoking cessation patches as an option through the health insurance plan.

Commissioner Ford moved, Commissioner Sides seconded and the vote to approve the policy as presented passed unanimously.

Chairman Mitchell commented that he had received emails and calls about banning smoking in other private work places and he asked if the County had the authority to exercise smoking cessation. Mr. Wood said HB 2 passed in January

2010 and originally banned smoking in public places. Mr. Wood said through the General Assembly, smoking had been banned in restaurants, bars, etc. and he thought the legislation was permissive in allowing local boards to ban smoking in public places. Mr. Wood said he would be glad to work with the County Attorney to bring information to the Board at a future meeting. Mr. Wood said he had failed to mention in his summary that he would encourage the Board not only to look at the HD and the DSS, but to consider banning tobacco products in all county agencies and facilities.

Chairman Mitchell stated the ban was “food for thought”.

8. CONSIDER APPROVAL OF DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR ROWAN CABARRUS COMMUNITY COLLEGE BOND

This item was deleted from the agenda.

9. CONSIDER ADOPTION OF NEW FEE SCHEDULE FOR BUILDING CODE ENFORCEMENT PERMITS & SERVICES

This item was deleted from the agenda.

10. REPORT ON INTERIM SOUTH ROWAN PEAK TIME AMBULANCE

Emergency Services Director Frank Thomason reported on the first year’s service of the interim south Rowan peak-time ambulance unit. Mr. Thomason said the project was initiated in November 2009 at the direction of the Board of Commissioners in an effort to improve response times to the City of Kannapolis and southern Rowan County.

Mr. Thomason said in March through June 2009, the results showed that Rowan County was meeting the response time goals of arriving on the scene in 9 minutes or less, approximately 35% of the time during 2009. Mr. Thomason said the findings were due to two (2) major areas: 1) Lack of available ALS ambulance units in southern Rowan and across the county; and 2) Direct call volume in Kannapolis and across the south Rowan area.

Mr. Thomason said meetings were held between stakeholders in August and September of 2009 to review the situation and explore solutions. In October 2009, a formal report was made to Board of Commissioners with the recommendation of instituting a peak time ambulance unit provided by the Rowan County Rescue Squad.

Mr. Thomason said Staff worked with the Rowan Rescue Squad (Squad) to develop a plan to implement a peak time unit and the unit began service November 12, 2009.

Mr. Thomason reported that the stakeholders were Rowan County, the City of Kannapolis and the Rescue Squad. The plan resulted in an almost immediate

turnaround with almost a two (2) minute reduction in response times in the first 33 days of service.

Mr. Thomason said the unit operated during the peak time call volumes and that additional time savings would be greater if the unit were operated 24/7.

Mr. Thomason estimated the costs from November 11, 2009 to November 10, 2010 at \$75,189. The amount follows the existing franchised agency reimbursement schedule (75% agency, 25% county per call).

Mr. Thomason said the existing long-term goal was to increase 24 hour paramedic ambulance service coverage across the county (based on national staffing average of 1 ALS ambulance per 10,000 population).

Mr. Thomason said the Board would need to discuss and consider the options available going forward to continue to provide this service in some manner, if desired, in order to continue the reductions noted in response times. The options included 1) continue the existing agreement with Rowan Rescue to provide the peak-time ambulance service and establish a formal contract for services, 2) provide a similar peak-time service using added resources to the County's EMS Division, or 3) provide an additional 24-hour ambulance unit to the County's EMS Division for further enhanced reduction of response times as noted in the report.

In response to a query from Commissioner Barber, Mr. Thomason said 2 calls were anticipated per day, and the average was less than 2 but greater than 1 per day. Mr. Thomason said 2 ambulances were scheduled to be replaced in the next budget year; however, due to budget restrictions, only 1 would be replaced.

Commissioner Barber said his recommendation was to continue with the service, as is, and consider the matter in the budget process.

Commissioner Sides agreed with leaving the operation as is; however, he felt the Board should instruct the County Manager to enter into negotiations with the Squad to confirm they were willing to continue the service for another year.

Commissioner Barber moved to continue the existing relationship with the Rescue Squad for another year contingent upon their ability to provide the service. The motion was seconded by Commissioner Sides.

A brief discussion ensued regarding the estimated startup costs for a 24/7 ambulance unit. Mr. Page estimated the cost at \$750,000 to \$1 million for the ambulance, staff, property and building. Mr. Page said the costs were higher due to the initial capital costs; however, the costs might be \$250,000 the next year.

Upon being put to a vote, the motion on the floor passed unanimously.

Chairman Mitchell called for a recess at 4:15 pm.

Chairman Mitchell reconvened the meeting at 4:25 pm.

11. DISCUSSION REGARDING TOPICS NOT HEARD AT FEBRUARY 16, 2011 WORK SESSION

Commissioner Coltrain referred to the information in the agenda packets and highlighted several topics that were not heard at the Board's work session in February. Commissioner Coltrain said he would like to see the Board explore the following topics:

1. Explore any additional ways that will help the Tax Collector's office be able to collect more of the delinquent taxes before they are conceded due to the 10 year statute of limitations. Commissioner Coltrain requested that the County Manager have the discussion with the Tax Collector and possibly provide a report in one month.
2. Explore ideas on how we can enhance the retention of employees that does not require any additional funding (such as increasing the amount of annual leave). Commissioner Coltrain asked the County Manager to bring options to the Board in one month.
3. Discuss the possibility of initiating the development of a growth development plan for the area of the county that lays East of I-85. Commissioner Coltrain said he understood the interchange for Old Beatty Ford Road was dependent upon the County having a plan for the area.
4. Explore how to increase the revenue from the land fill by the possible capturing and selling of methane gas that the landfill produces. Commissioner Coltrain said it would take time to accomplish this goal but he felt the County should pursue the matter.
5. Discuss various options for relocating and funding the relocation of the 911 call center. Commissioner Coltrain said the project was desperately needed and the County should take advantage of the opportunity to possibly use some of the State's 911 funding to help pay for the move. Commissioner Coltrain said the 911 study would be presented to the Board of Commissioners in the next month or so.
6. Need to acknowledge that the County has residential areas located in the county that are not served by a municipal waste treatment system, which are beginning to experience the failure of their septic tank systems. While this is not a wide spread urgent need at the moment, it will become one in the mid to long term future and the Board should begin to think how the County could assist the homeowners in other ways instead of having to tell them they have to move out of their homes due to the failure of their septic tank systems. Commissioner Coltrain said it was more difficult finding land that would perk in the eastern portion of the County. Commissioner Coltrain said he did not want the County forcing people to move out of their homes due to failure of their septic systems. Commissioner Coltrain said he would like the Board to begin to think of how the County could assist those homeowners in the future.

Commissioner Coltrain said he would like to get feedback from the County Manager and staff in hopes that the Board of Commissioners could address some of the topics in the near future.

Chairman Mitchell stated all of the items would take varying degrees of staff time, which might be wasted if the Board of Commissioners did not want to move on with any of these particular ideas. Chairman Mitchell asked for a consensus as to how the Board felt about staff spending time on the topics.

Commissioner Sides commented that a number of the items would take considerable staff time and that he would hate to see the County Manager tasked with half a dozen additional projects to work on during budget time. Commissioner Sides said if the Board was going to approve the items, the tasks should be spread out over time.

Chairman Mitchell said item #5 would be covered in the report that would be brought before the Board in approximately one (1) month. Chairman Mitchell said while item #6 needed to be considered, it was further out in time leaving items #1 through #4 with a potential immediate concern.

Commissioner Sides referred to item #3 and said the Board had discussed a land use plan for other parts of the County. Commissioner Sides said the Board had a land use plan for the western portion of the County and there had been some mention of adopting the same plan for the eastern area. Commissioner Sides felt the topic would come forward sometime in the near future and that he would vote against the land use plan. Commissioner Sides said he did not feel the need to address the matter now.

Chairman Mitchell said Commissioner Coltrain had referred to the potential I-85 interchange and the fact that the interchange might be dependent on the County having the land use plan.

Commissioner Barber asked if it was being suggested to take the parameters of the plan prepared for the western portion of the County and apply those to the eastern area.

Commissioner Coltrain said he was asking for staff to think about the matter and come back with their thoughts. Commissioner Coltrain said he was not looking for the creation of the plan but rather for the Planning Director and County Manager to advise if a plan was needed for eastern Rowan. Commissioner Coltrain said he had received several comments that a land use plan was a factor in consideration for the I-85 interchange.

Commissioner Sides asked if this topic had been mentioned with the MPO and Commissioner Ford responded that both the MPO and the NCDOT had both asked for the plan. Commissioner Ford said there were a lot of different options

and he suggested allowing the Planning Department and Planning Board to tweak the plan to mirror the western plan.

Chairman Mitchell asked if there was a consensus for turning possible land use planning over to the Planning Board to mirror the plan in the western part of the County. The Commissioners were affirmative in their response and Chairman Mitchell said the Board would instruct Planning Staff with the task.

Commissioner Barber referred to #2 and said Human Resources Director Darlene Boling had already prepared ideas for employee recognition that would not cost a lot of money, if any. Commissioner Barber said Ms. Boling could present the ideas to the Board of Commissioners for consideration during budget discussions. Commissioner Barber favored looking at ways to recognize employees.

Commissioner Coltrain said of all the topics he had presented, items #1 and #2 should be reviewed as priorities. Commissioner Coltrain said if additional annual leave for employees was a possibility, the Board should consider the topic soon in order for employees to benefit in the current calendar year.

Commissioner Sides said he would not vote for employees to receive additional annual leave. Commissioner Sides said as part of his proposal for the upcoming budget, he favored taking \$400,000 from the school system's surplus fund and using it to give all employees a \$500 bonus.

Chairman Mitchell asked if there was a consensus to ask Ms. Boling to come up with some ideas.

County Manager Gary Page said there would probably be a budget work session where Ms. Boling could present the ideas and the Board was in agreement with Mr. Page's suggestion.

Commissioner Coltrain said staff in the tax department had agreed it would be good for a deputy to go with them at times to a business. Mr. Page said this was also a topic to be discussed at a work session and the board members were in agreement.

12. DISCUSSION REGARDING GOVERNMENT-OWNED RENTED PROPERTIES AND RESOLUTION SUPPORTING SENATE BILL DR55281-LM89

Commissioner Barber said he planned to discuss this agenda topic with each Commissioner individually in an effort to "protect the little guy". Commissioner Barber expressed concern with numbers in the tax base that he wished could be offset by an increase in the commercial and residential tax base contribution.

Commissioner Barber also requested that the Clerk modify the resolution from the current reading to reflect Senate Bill 87.

Commissioner Barber then read the following resolution, which he said he would like for the local legislative delegation to consider attaching to another bill that was working its way through committee in Raleigh.

**RESOLUTION
SEEKING LEGISLATION TO REQUIRE
A TRIPLE NET LEASE OR RENTAL AGREEMENT
FOR
GOVERNMENT-OWNED BUILDINGS**

WHEREAS, municipalities and counties obtain properties on occasion through tax liens, foreclosures and donations; and

WHEREAS, local governments become burdened with such properties due to the costs of providing maintenance and insurance and for which they also lose tax revenue; and

WHEREAS, local governments should not compete with private businesses nor be involved in real estate; and

WHEREAS, Senate Bill 87, titled, Level Playing Field/Cities/Service Providers, seeks to regulate competition between local government and private business.

NOW, THEREFORE BE IT RESOLVED, that the Rowan County Board of Commissioners does hereby request that the North Carolina General Assembly include additional language to Senate Bill 87, which would require all local government-owned buildings that are leased or rented, to be leased or rented under a triple net lease or rental agreement, thus ensuring the lessee would pay all taxes, insurance, and maintenance, in addition to the rent.

Commissioner Barber said there was a companion bill, House Bill 129 that was identical to Senate Bill 87.

Commissioner Barber said if House Bill 129 should pass, the companion bill, Senate Bill 87, would then be taken up and the Board could ask the legislative delegation and the sponsors of Senate Bill 87 to widen the language to expand beyond Broadband Services and also into real estate business.

Commissioner Barber referred to the definition of a Triple Net Lease on page 2, which he said he would discuss with the Commissioners individually.

Commissioner Barber said page 3 contained information pertaining to all government entities in Rowan County including the municipalities and Board of Education. Commissioner Barber said there were a total of 754 parcels under those various entities and that Rowan County had 122 parcels for which the County could not collect property taxes on.

Commissioner Barber again stated that he would like to meet with the Commissioners individually and he also said he would like to see all declared surplus properties listed on the website in an effort to sell the properties.

Commissioner Sides favored posting any public information on the website. Commissioner Sides commented there were times the Board must take into consideration property for the future needs of the County.

Commissioner Barber asked if a motion was needed to place declared surplus property on the website. Commissioner Barber said if there was a consensus, he would like to move forward with posting the information. Commissioner Sides responded that he was in agreement, as did Commissioner Ford.

Commissioner Ford said he thought the issue had already been addressed and Commissioner Barber said it was discussed in April 2009 and that very little had changed.

Commissioner Sides said the County would need to keep the majority of the properties; however, there were some that could be sold and that they should be listed on the web site.

Commissioner Coltrain asked if Commissioner Barber had made a motion on the resolution and Commissioner Barber responded no. Commissioner Barber said at this time he wanted to talk to the Commissioners individually and that he wanted the Clerk to update the resolution to reflect Senate Bill 87.

Chairman Mitchell said he did not have a problem with any government entity listing their surplus property on the County's web site.

13. DISCUSSION REGARDING PILOT (PAYMENT IN LIEU OF TAXES) PROGRAM

Commissioner Barber discussed the PILOT Program, which he said was based on three types of fees and focused on exempt or excluded parcels.

Commissioner Barber said the first was Fire Protection (not all exempt parcels would receive this fee but rather the parcels with buildings), the second was Emergency Services and third was Storm Water Management. Commissioner Barber said the fees were grouped together as payment in lieu of taxes. Commissioner Barber said based on the type of exemption, the fees ranged from 10-65% of their normal tax base.

Commissioner Barber said he would like the opportunity to talk with each Commissioner individually to review the data and look at options for PILOT.

Chairman Mitchell brought up the fact that most of the exempt properties were churches, educational buildings and hospitals.

Commissioner Barber added that the properties are listed by code in the Annual Report of Relief Granted by Exemption or Exclusion.

ADDITION

13a. OFFER TO PURCHASE STADIUM

County Manager Gary Page said he had received additional terms offered by the City of Kannapolis (City) in regards to the City purchasing the baseball stadium.

Mr. Page said the County initially offered the City the option to purchase the stadium for 50 years at no interest. The City had countered and asked to delay their payments for two (2) years until July 2013.

Mr. Page said he had shared with the Kannapolis City Manager the Commissioners concerns for not receiving any money for the first two (2) years. The City Manager responded that interest could be charged for the first (2) two years.

Commissioner Sides moved to accept Kannapolis' offer to defer payments for two (2) years; beginning the third year the City would make payments of \$62,500 for 48 years for a total of \$3 million; the County would charge 3% interest on the \$120,000 the City defers for two (2) years, resulting in charges of \$3,600. Commissioner Sides said the City should pay the County \$1,800 once the deal was closed and \$1,800 the next year. Commissioner Sides said the City would begin making payments in 2013-14. The motion was seconded by Commissioner Barber.

Commissioner Sides expressed appreciation to the City and staff for their efforts to reach a resolution on the issue.

Commissioner Barber also praised staff and the City for resolving the issue in a manner that was best for both parties.

Mr. Page asked if the County Attorney could work with the City Attorney on an agreement. Commissioner Sides responded and said he amended the motion to include the instruction for the County Attorney.

Upon being put to a vote, the motion on the floor passed unanimously.

13a. SPECIALIZED FIXED BASE OPERATION AND SKYDIVING CENTER LEASE AND OPERATING AGREEMENT

(This item was pulled from the Consent Agenda)

Commissioner Sides said the lease needed to move forward for several reasons; however, he expressed concern that the County was considering a lease that was proposed to be effective March 1, 2011. Commissioner Sides said he would like to see the dates changed to be reflective of the actual date the lease was passed.

Commissioner Sides highlighted several corrections that needed to be made in the lease and he then moved to approve the lease with the changes and he

stated that the lease should not be signed until the Board had received a copy to read. The motion was seconded by Commissioner Barber and passed unanimously.

13b. LEASE FOR AMOS AVIATION

(This item was pulled and separated from the Consent Agenda)

Commissioner Sides highlighted several corrections that needed to be made in the lease.

Commissioner Ford also pointed out several corrections that should be made.

Commissioner Sides moved approval of the lease agreement with the changes. The motion was seconded by Commissioner Coltrain and passed unanimously.

14. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendment for the Board's consideration:

- Social Services – Increase expenditures and revenue line items for donations based upon actual receipts to date - \$1,558

Commissioner Ford moved approval of the budget amendment as presented. The motion was seconded by Commissioner Coltrain and passed unanimously.

15. CONSIDER APPROVAL OF BOARD APPOINTMENTS **CENTRALINA ECONOMIC DEVELOPMENT COMMISSION**

The CEDC requested that Robert Van Geons be reappointed to serve. The term would be for two (2) years beginning March 1, 2011 and ending February 28, 2013.

Commissioner Coltrain nominated Robert Van Geons for reappointment and the nomination passed unanimously.

LOCAL EMERGENCY PLANNING COMMITTEE

The LEPC recommended the following changes to their committee:

- Deborah Lineberger to replace Dick Smith as the designee for the American Red Cross.
- Elizabeth Cook to fulfill a federal requirement of representation by the news media.

The committee has no term limits.

Commissioner Coltrain nominated Deborah Lineberger and Elizabeth Cook. The nominations carried unanimously.

ROWAN COUNTY LANDMARKS COMMISSION

Curtis Cowan's term ended February 28, 2011. He did not seek reappointment. There is an opening for a three (3) year term.

ROWAN COUNTY NURSING HOME ADVISORY COMMITTEE

Four applications were received for reappointment. In order to be considered, the Commissioners would need to waive the term limits set forth in the Resolution adopted in September 2009.

- Aulena Sellers-Crook's term would be for three (3) years and begin on March 1, 2011 and end on February 28, 2014.
- Leah McFee, Virginia Graves, and D.J. Whitfield's terms would be for three (3) years and would begin April 1, 2011 and expire March 31, 2014.

Commissioner Sides moved to waive the term limits. The motion was seconded by Commissioner Coltrain and passed unanimously.

Commissioner Sides nominated Aulena Sellers-Crook, Leah McFee, Virginia Graves, and D.J. Whitfield. The nominations carried unanimously.

ROWAN COUNTY THERAPEUTIC RECREATION BOARD

There are four vacancies and the following applications have been received for consideration:

- James Murtaugh for reappointment
- Lane Graham for reappointment
- Ann Medlin
- Betty Goodwin

The terms would be for three (3) years and would begin April 1, 2011 and end March 31, 2014.

Commissioner Coltrain nominated James Murtaugh and Lane Graham for reappointment and Ann Medlin and Betty Goodwin for appointment. The nominations passed unanimously.

SCOTCH-IRISH VFD FIRE COMMISSIONERS

There are three vacancies and the following applications were received for consideration:

- Ellen Thompson
- Steve Reavis
- Brent Carlton

The terms would be for two (2) years beginning April 1, 2011, expiring on March 31, 2013.

Commissioner Coltrain nominated Ellen Thompson, Steve Reavis and Brent Carlton. The nominations carried unanimously.

TOWN OF SPENCER ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD

The Town of Spencer is requesting the reappointment of James F. Sain III to serve as an ETJ representative on the Spencer Zoning Board of Adjustment and Planning Board. The term would be for three (3) years beginning March 1, 2011 and ending December 31, 2013.

Commissioner Coltrain nominated James Sain for reappointment to the Spencer Zoning Board and the nomination carried unanimously.

WOODLEAF VFD FIRE COMMISSIONERS

There are three (3) vacancies and the following applications have been received for reappointment:

- Samuel Correll
- Bill Godley
- Thomas Barber, Jr.

The terms would be for two (2) years beginning on April 1, 2011 and end on March 31, 2013.

Commissioner Ford nominated Bill Godley.

Commissioner Coltrain nominated Samuel Correll and Thomas Barger for reappointment. The nominations passed unanimously.

COMMITTEE MEMBERSHIP FOR THE HOME AND COMMUNITY CARE BLOCK GRANT (HCCBG) ADVISORY COMMITTEE

Rowan County is required to appoint a committee for the HCCBG process. The committee will make recommendations each fiscal year to the Board of Commissioners as to how the HCCBG funds should be spent.

The appointments to the committee are due January 30th of each year; however, due to the discussions for the merger of the Senior Services Department and the Rufty Holmes Senior Center, the January 30th deadline was extended.

The Board is asked to consider the following individuals for appointment for a one-year term, which will expire December 31, 2011:

- Gary Page, Rowan County Manager
- Gary Price, Rowan Transit System Director
- Sandra Wilkes, Department of Social Services Director
- Rick Eldridge, Executive Director of Rufty Holmes Senior Center
- Jon Barber, Rowan County Commissioner
- Leonard Wood, Rowan County Health Director
- Manie Richardson, Senior
- Mary Frances Edens, Senior
- Leah McFee, Senior

Commissioner Coltrain nominated all the listed applicants for appointment and the nomination carried unanimously.

ADDITION

15a. CLOSED SESSION

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to enter into Closed Session at 5:18 pm for attorney-client privileged communication passed unanimously.

The Board returned to Open Session at 5:28 pm

Commissioner Sides moved to reject the request from PGT Industries for expansion assistance for the year 2010. The motion was seconded by Commissioner Barber and passed unanimously.

16. ADJOURNMENT

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 5:29 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager